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(314) 231-8600

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LOS ANGELES, CALIFORNIA 90071-3171
(213) 628-8000

245 PARK AVENUE
NEW YORK, NEW YORK 10167-0034
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(602) 230-7000

1100 MAIN STREET
KANSAS CITY, MISSOURI 64105-2112
(816) 842-7444

CARL W. NORTHROP

DIRECT DIAL NUMBER
(202) 508-6152

700 THIRTEENTH STREET, N.W.
WASHINGTON, D.C. 20005-3960

(202) 508-6000

TELECOPIER: (202) 508-6200

18881 VON KARMAN
IRVINE, CALIFORNIA 92715-1500
(714) 757-8100

120 BROADWAY
SANTA MONICA, CALIFORNIA 90401-2305
(213) 576-2100

29 QUEEN ANNE'S GATE
LONDON SW1H 9BU
(011) (44) (71) 222-0511

POST OFFICE BOX 20883
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(011) (966) (1) 465-1371

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OCT 15 1991

Federal Communications Commission
Office of the Secretary

October 15, 1991

Thomas P. Stanley
Chief Engineer
Office of Engineering and
Technology
Federal Communications Commission
Washington, D.C. 20554

Re: Commission's Treatment of PacTel Paging's
Petition for Rulemaking Respecting Advanced
Architecture Paging as Late-Filed Comments
in RM-7617

Dear Mr. Stanley:

PacTel Paging ("PacTel"), by its attorneys and pursuant to Section 1.106 of the Commission's Rules, respectfully requests reconsideration of the action taken by your letter of September 13, 1991, to Mark A. Stachiw (Reference No. CN910170) which "denied" PacTel Paging's Petition for Rulemaking filed July 30, 1991, respecting Advanced Architecture Paging ("AAP") while treating it as late-filed comments regarding Telocator's Petition for Rulemaking, RM-7617.

The Telocator petition requested allocation of the 930-931 MHz band for an Advanced Messaging Service ("AMS"). You found that "the issues raised by [PacTel's] petition already are before the Commission in this [Telocator] proceeding". You also found that "the public interest will be best served by a single record that addresses all aspects of advanced technology paging".

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Thomas P. Stanley
October 15, 1991
Page 2

PacTel respectfully disagrees that the public interest will be best served if PacTel's AAP Petition for Rulemaking is included in RM-7617. First, by treating PacTel's Petition as late filed comments and not issuing a separate rulemaking, the Commission is denied the benefit of public comment on PacTel's petition. PacTel's petition proposes a new advanced technology and a new service which deserve public comment. AAP is a specific and a distinct service from other Advanced Messaging Services, just like the T-1 service offered by Local Exchange Companies is a separate and distinct service from dial-up service. Moreover, the PacTel petition proposed a specific regional allocation plan for AAP which has no corollary in the Telocator petition. PacTel also proposed specific licensing standards respecting the regulatory status, licensee qualifications, financial showings, technical qualifications, service commitments, loading requirements and method of selection for AAP carriers. These specific proposals go well beyond the Telocator petition. The Commission may well decide that AAP is the service which will fulfill the public's need for advanced messaging services. However, without public comment, the Commission will not have the benefit of the expertise and views of carriers, manufacturers and other interested parties.

Second, Telocator has advised PacTel and the Commission that it did not intend for its 930-931 MHz proposal to cut-off from separate notice and comment creative messaging proposals which, unlike Telocator, propose specific services.

Third, the denial of PacTel's petition is not necessary to permit the agency to develop a consolidated record with respect to advanced technology paging. The Commission has the authority when it issues a Notice of Proposed Rulemaking to consolidate various pending rulemaking petitions. Thus, the Commission can later decide to consolidate AAP with other 930-931 MHz proposals when it proceeds to initiate a formal rulemaking proceeding. Indeed, the Commission has already taken public comment on other services which may arguably be AMS service, such as FAX-MAX Services' Petition for Rulemaking, RM-7760 (to create a public facsimile broadcast service); and Echo Group's Petition for Rulemaking, RM-7782 (to create a new Mobile Data radio service). PacTel's AAP proposal is entitled to similar treatment.

Fourth, your letter indicates that PacTel's petition was "DENIED pursuant to the authority delegated to the Chief Engineer by Section 0.241 of the Commission's Rules". That rule section only contemplates the dismissal of petitions "which are repetitive, or moot or which, for other reasons plainly do not warrant consideration". PacTel respectfully

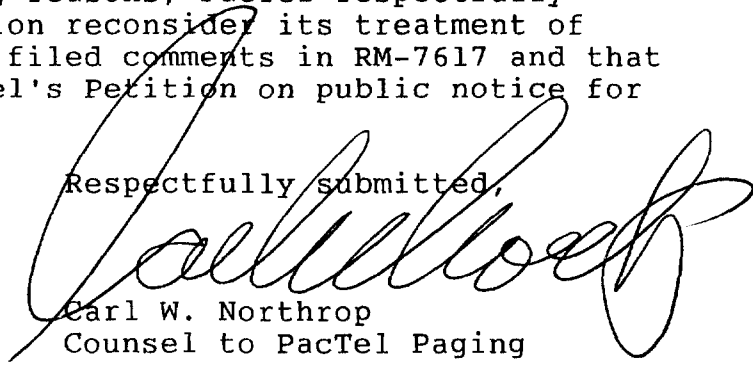
Thomas P. Stanley
October 15, 1991
Page 3

submits that its proposal does not fall into the relatively narrow class of filings subject to summary dismissal pursuant to this rule section.

Finally, whether or not a separate rulemaking number is assigned, PacTel submits that it is incorrect to describe its petition as having been "denied". PacTel understands that the petition continues to be under active consideration by the Commission, which belies the characterization that it has been denied.

For the foregoing reasons, PacTel respectfully requests that the Commission reconsider its treatment of PacTel's Petition as late filed comments in RM-7617 and that the Commission place PacTel's Petition on public notice for public comment.

Respectfully submitted,



Carl W. Northrop
Counsel to PacTel Paging

CWN/tcm 4300N

cc: Robert Ungar, Esquire (By Hand)
2025 M Street
Room 7002-D
Washington, D.C. 20554